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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,861	12/27/2001	Robert E. Beach	40129/03401	9518
83694 7590 11/28/2008 Fay Kaplun & Marcin, LLP/ Motorola 150 Broadway Suite 702 New York, NY 10038				
EXAMINER				
SHEDRICK, CHARLES TERRELL				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
11/28/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/033,861

Applicant(s)

BEACH ET AL.

Examiner

CHARLES SHEDRICK

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 24-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/55/08)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 24-40 are rejected under 35 U.S.C. 102(b) as being anticipated by Diepraten et al. US Patent No.: 5,329,531, hereinafter, "Diepraten".

Consider claims 24 and 25, Diepraten teaches

24. (Currently amended) A Method and An access point that provides voice and data communications for use in a wireless local area network having a plurality of mobile units(**i.e., Isosynchronous and Asynchronous Traffic**)(**e.g., see at least the abstract of disclosure and col. 2 lines 15-34**), said access point being configured to: receive signals carrying communications packets directed to particular mobile units(**e.g., see at least base stations and mobile stations noted with respect to figure 1**); prioritize said communications packets for transmission based on:whether a current packet is a voice communication packet(**i.e., iso vs asynch traffic**)(**e.g., see at least col. 2 line 15-col. 3 line 37**); the total number of packets transmitted to each mobile unit(**e.g. see at least col. 2 line 15 -col. 3 lines 37 and col. 6 lines 60-65**); and the order in which the packets were received by the access point(**e.g. see at least col. 2 line 15 -col. 3 lines 37 and col. 6 lines 60-65**)(**i.e., packet sequence and priority**).

Consider **claims 26 and 32**, Diepraten teaches a method and a transmitter for use in a carrier sense multiple access communications system(**e.g., see at least abstract of disclosure**), said transmitter being configured to: receive signals carrying communications packets directed to particular receiver units(**e.g., see at least base stations and mobile stations noted with respect**

to figure 1); prioritize said communications packets for transmission based on: whether a current packet is a voice communication packet(**i.e., iso vs asynch traffic**)(e.g., see at least col. 2 line 15-col. 3 line 37); the total number of packets transmitted to each receiver unit; and the order in which the packets were received by the transmitter(e.g. see at least col. 2 line 15 -col. 3 lines 37 and col. 6 lines 60-65); and use a contention window of a first duration for transmitting packets that are for voice communications(**i.e., using a medium access procedure to share medium**)(e.g. see at least col. 2 line 15 -col. 3 lines 37 and col. 6 lines 60-65); and use another contention window of a second duration that is different from said first duration for transmitting other packets(**i.e., using a medium access procedure to share medium**)(e.g. see at least col. 2 line 15 -col. 3 lines 37 and col. 6 lines 60-65).

Consider claims 27 and 33 and as applied to claims 26 and 32, Diepstraten teaches wherein the first duration is shorter than the second duration(e.g., see at least col. 5 lines 6-16).

Consider claims 28 and 34 and as applied to claims 26 and 32, Diepstraten wherein said transmitter is an access point of said communications system(e.g., see at least context of base station in figure 1).

Consider claims 29 and 35 and as applied to claims 26 and 32, Diepstraten wherein said transmitter is a remote terminal in said communications system(e.g., see at least context of station in figure 1).

Consider **claim 38**, Diepstraten teaches A method, comprising:
determining a priority level of each of a plurality of packets based on priority information in each data packet(e.g. see at least col. 2 line 15 -col. 3 lines 37)(i.e., ISO or Asynch traffic info);
arranging the packets in a transmission queue from a highest priority level to a lowest priority

level(e.g. see at least col. 2 line 15 -col. 3 lines 37 and col. 6 lines 60-65); and wirelessly transmitting the packets over a communications medium(e.g. see at least col. 2 line 15 -col. 3 lines 37 and col. 6 lines 60-65), wherein packets having the highest priority level are transmitted prior to packets having the lowest priority level(e.g. see at least col. 2 line 15 -col. 3 lines 37 and col. 6 lines 60-65).

Consider **claim 39**, Diepstraten teaches A method, comprising: selecting one of a plurality of transmission queues including at least one packet(e.g. see at least col. 2 line 15 -col. 3 lines 37)(i.e., **Iso vs Async**), the selection being based on at least one previous selection of another one of the transmission queues and a highest priority packet in each of the transmission queues(e.g. see at least col. 2 line 15 -col. 3 lines 37), wherein each of the transmission queues corresponds to a destination to which the at least one packet is addressed(e.g. see at least col. 2 line 15 -col. 3 lines 37 and col. 6 lines 60-65); and transmitting the highest priority packet from the selected transmission queue(e.g. see at least col. 2 line 15 -col. 3 lines 37 and col. 6 lines 60-65).

Consider **claim 40**, Diepstraten A method, comprising:
selecting a packet from a transmission queue for transmission(e.g. see at least col. 2 line 15 -col. 3 lines 37 and col. 6 lines 60-65), wherein the packet is one of at least two packet types(e.g. see at least col. 2 line 15 -col. 3 lines 37 and col. 6 lines 60-65); determining whether a communications medium is busy(i.e., **medium contention**)(e.g. see at least col. 2 line 15 -col. 3 lines 37 and col. 6 lines 60-65); selecting, when the communications medium is busy, one of a first time duration when the packet is a first type and a second time duration when the packet is a second type(e.g. see at least col. 2 line 15 -col. 3 lines 37 and col. 6 lines 60-65); and

transmitting the packet after one of the first time duration when the packet is the first type and the second time duration when the packet is the second type(e.g. see at least col. 2 line 15 -col. 3 lines 37 and col. 6 lines 60-65).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES SHEDRICK whose telephone number is (571)272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617

/Charles Shedrick/
Examiner, Art Unit 2617